S.B.Cr.Misc. Bail App. No. 5106/2007
(Mustaffa Vs. State of Rajasthan)

Date of order : 16/11/2007

**HON'BLE MR.H.R.PANWAR, J.**

Mr. R.K.Charan for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioner that the petitioner has been implicated with the aid of Section 120-B IPC and there being no evidence connecting the petitioner with the commission of crime. Learned counsel for the petitioner submits that similarly situated co-accused Amin Khan and Bablu @ Shrafat-Ulah Khan have been granted bail by a Co-ordinate Bench and by this Court vide orders dated 20.7.2007 and 27.9.2007 respectively. This fact has not been disputed by learned public prosecutor.

Having regard to the facts and circumstances of the case and the fact that similarly situated co-accused have been granted bail, and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Mustaffa S/o Mehmood Khan

be released on bail in FIR No. 17/07 P.S. Pratapgarh provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

**(H.R.PANWAR), J.**

**RP**